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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL LORENZO TOMPKINS,

Defendant and Appellant.

B287902

(Los Angeles County
Super. Ct. No. BA437059)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Michael E. Pastor, Judge. Affirmed.

Edward Mahler, under appointment by the Court of Appeal,
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Pursuant to a plea bargain, on August 15, 2017, defendant Michael L. Tompkins pleaded no contest to embezzlement of public monies in violation of Penal Code¹ sections 504 and 514. As part of his plea, defendant agreed to pay \$1,451,061 in restitution to the City of Los Angeles. The parties agreed that the prosecutor would dismiss defendant's strike offense for voluntary manslaughter and recommend a three-year prison term.² The trial court accepted defendant's no contest plea. On December 6, 2017, the trial judge sentenced defendant to the agreed upon three-year term in state prison, awarded 424 days of presentence custody credit, and imposed certain fines and restitution to the City of Los Angeles in the amount of \$1,451,061.

On January 23, 2018, acting in propria persona, defendant filed a timely notice of appeal. Appointed appellate counsel filed an appellate brief requesting this court review the record for any error as required by *People v. Wende* (1979) 25 Cal.3d 436. This court permitted defendant the opportunity to file a supplemental brief. We have received no response.

Absent a certificate of probable cause, defendant may not challenge the validity of a guilty plea. (*People v. Stubbs* (1998) 61 Cal.App.4th 243, 244-245; § 1237.5, subd. (b).) We have reviewed the record and find no arguable issue concerning a

¹ Undesignated statutory citations are to the Penal Code.

² Under section 1203, subdivision (e)(7), defendant was not eligible for probation. The trial court made no finding that this was an "unusual case" in which the "interests of justice" would merit making an exception to the prohibition in section 1203, subdivision (e)(7). We agree that the record would not support such a finding.

matter that does not affect the validity of the plea. Appointed counsel has fully complied with his responsibilities and no arguable issue exists. (*People v. Kelly* (2006) 40 Cal.4th 106, 125-126; *People v. Wende, supra*, 25 Cal.3d at pp. 441-442.)

DISPOSITION

The judgment is affirmed.

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BENDIX, J.

We concur:

ROTHSCHILD, P. J.

JOHNSON, J.